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PTO/SB/64 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

**RECEIVED**

First named inventor: Wayne C. Grant

Application No.: 09/479,031

Group Art Unit: 2121

DEC 08 2005

Filed: 01/07/2000

Examiner: Pham

**OFFICE OF PETITIONS**

Title: Hand Held Computer Device And Method For Interactive Data Acquisition, Analysis, Annotation And Calibration

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment and Response (identify type of reply):

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

December 1, 2005

Date

M. Portnova

Signature

Telephone

Number: (408) 720-8300

Marina Portnova

Typed or printed name

Address

Blakely Sokoloff Taylor & Zafman

1279 Oakmead Parkway

Sunnyvale, CA 94085

Enclosures:  Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

December 1, 2005

Date

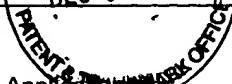
Michelle Begay

Signature

Michelle Begay

Type or printed name of person signing certificate

DEC 05 2005

AMENDMENT TRANSMITTAL

Application No.: 09/479,031  
 Filing Date: January 7, 2000  
 First Named Inventor Wayne C. Grant, et al.  
 Examiner's Name: Pham, T.  
 Art Unit: 2121  
 Attorney Docket No.: 6104.P001

**RECEIVED** PATENT

DEC 08 2005

**OFFICE OF PETITIONS**

An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.

Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.

Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.

Applicant(s) claim small entity status (37 CFR 1.27).

**ATTACHMENTS**

Preliminary Amendment

Amendment/Response with respect to Office Action

Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)

Notice of Appeal

RCE (Request for Continued Examination)

Supplemental Declaration

Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)

Information Disclosure Statement (IDS)

Copies of IDS citations

Petition for Extension of Time

Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)

Cross-Reference to Related Application(s)

Certified Copy of Priority Document

Other: Petition to Revive 1.137(b)

Other: \_\_\_\_\_

Check(s) \$1500.00

Postcard (Return Receipt)

**SUBMITTED BY:**

BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TYPED OR PRINTED NAME: Marina PortnovaSIGNATURE: M. PortnovaREG. NO.: 45,750DATE: December 1, 2005ADDRESS: 12400 Wilshire Boulevard, Seventh FloorLos Angeles, California 90025TELEPHONE NO.: (408) 720-8300CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on December 1, 2005

Date of Deposit

Michelle Begay

Name of Person Mailing Correspondence

December 1, 2005

Signature

Date

Express Mail Label No. (if applicable): \_\_\_\_\_

(10/14/03)

Send to: COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, Virginia 22313-1450

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**TOTAL AMOUNT OF PAYMENT (\$)** \$750.00

Complete if Known:

Application No. 09/479,031Filing Date January 7, 2000First Named Inventor Wayne C. Grant, et al.Examiner Name Pham, T.Art Unit 2121Attorney Docket No. 6104.P001**RECEIVED**

DEC 08 2005

**OFFICE OF PETITIONS**

Applicant claims small entity status. See 37 CFR 1.27.

**METHOD OF PAYMENT** (check all that apply)Check  Credit Card  Money Order  None  Other (please identify) Deposit AccountDeposit Account Number : 02-2666

Deposit Account Name: \_\_\_\_\_

 The Director is Authorized to do the following with respect to the above-identified Deposit Account:

Charge fee(s) indicated below.

 Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application. Charge fee(s) indicated below except for the filing fee Credit any overpayments. Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

Warning: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>	<u>Fees Paid (\$)</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility application filing fee	\$00.00
1111	500	2111	250	Utility search fee	\$00.00
1311	200	2311	100	Utility examination fee	\$00.00
1012	200	2012	100	Design application filing fee	
1112	100	2112	50	Design search fee	
1312	130	2312	65	Design examination fee	
1013	200	2013	100	Plant filing fee	
1113	300	2113	150	Plant search fee	
1313	160	2313	80	Plant examination fee	
1004	300	2004	150	Reissue filing fee	
1114	500	2114	250	Reissue search fee	
1314	600	2314	300	Reissue examination fee	
1005	200	2005	100	Provisional application filing fee	

SUBTOTAL (1) \$ 00.00

**2. EXCESS CLAIM FEES**

<u>Extra Claims</u>				<u>Fee from below</u>	<u>Fees Paid (\$)</u>
<b>Total Claims</b>	<b>37</b>	<b>– 20 or 43 =</b>	<b>0</b>	<b>X \$50.00</b>	<b>= 00.00</b>
HP = highest number of total claims paid for, if greater than 20					
<b>Independent Claims</b>	<b>4</b>	<b>– 3 or 4 =</b>	<b>0</b>	<b>X \$200.00</b>	<b>= 00.00</b>
HP = highest number of independent claims paid for, if greater than 3					
<b>Multiple Dependent Claims</b>					
<b>Large Entity</b>	<b>Small Entity</b>				
Fee	Fee	Fee	Fee		
Code	(\$)	Code	(\$)	<b>Fee Description</b>	
1202	50	2202	25	Each claim over 20	
1201	200	2201	100	Each independent claim over 3	
1203	360	2203	180	Multiple dependent claims, if not paid	
1204	200	2204	100	Reissue: each claim over 20 and more than in the original patent	
1205	50	2205	25	Reissue: each independent claim more than in the original patent	
<b>SUBTOTAL (2) \$ 00.00</b>					

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each add'l 50 or fraction thereof</u>	<u>Fee from below</u>	<u>Fees paid (\$)</u>
<b>0</b>	<b>– 100 =</b>	<b>/ 50 =</b>	<b>(round up to whole number)</b>	<b>X \$250.00</b>
				<b>00.00</b>

<b>Large Entity</b>	<b>Small Entity</b>	<b>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec &amp; drawings except sequences &amp; program listings):</b>
Fee	Fee	Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):
Code	(\$)	Code
1081	250	2081 125 Utility
1082	250	2082 125 Design
1083	250	2083 125 Plant
1084	250	2084 125 Reissue

**SUBTOTAL (3) \$ 00.00**

**FEE CALCULATION (continued)****4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Fees Paid (\$)

Larg Entity Fee	Small Entity Fee	Fee Description	Fees Paid (\$)
Code Fee	Code Fee		
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1813 8,800	1813 8,800	Request for inter parties reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 120	2251 60	Extension for reply within first month	
1252 450	2252 225	Extension for reply within second month	
1253 1,020	2253 510	Extension for reply within third month	
1254 1,590	2254 795	Extension for reply within fourth month	
1255 2,160	2255 1,080	Extension for reply within fifth month	
1401 500	2401 250	Notice of Appeal	
1402 500	2402 250	Filing a brief in support of an appeal	
1403 1,000	2403 500	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 500	2452 250	Petition to revive – unavoidable	
1453 1,500	2453 750	Petition to revive - unintentional	750.00
1501 1,400	2501 700	Utility issue fee (or reissue)	
1502 800	2502 400	Design issue fee	
1503 1100	2503 550	Plant issue fee	
1462 400	1462 400	Petitions to the Commissioner (CFR 1.17(f) Group I)	
1463 200	1463 200	Petitions to the Commissioner (CFR 1.17(g) Group II)	
1464 130	1464 130	Petitions to the Commissioner (CFR 1.17(h) Group III)	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	For filing a submission after final rejection (see 37 CFR 1.129(a))	
1814 130	2814 65	Statutory Disclaimer	
1810 790	2810 395	For each additional invention to be examined (see 37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
1504 300	1504 300	Publication fee for early, voluntary, or normal pub.	
1505 300	1505 300	Publication fee for republication	
1803 130	1803 130	Request for voluntary publication or republication	
1808 130	1808 130	Processing fee under 37 CFR 1.17(i) (except provisionals)	
1454 1,370	1454 1,370	Acceptance of unintentionally delayed claim for priority	

Other fee (specify)

Other fee (specify)

SUBTOTAL (4) \$ 750.00

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**Typed or Printed Name: Marina PortnovaSignature: M. Portnova

Date: December 1, 2005

Reg. Number: 45,750Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450